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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,040	07/07/2006	Ofer Laor	GOL616.237948	5109
54942 7590 07/18/2008 WOLF, BLOCK, SHORR AND SOLIS-COHEN LLP 250 PARK AVENUE 10TH FLOOR NEW YORK, NY 10177				
EXAMINER				
PHAM, HOA Q				
ART UNIT		PAPER NUMBER		
2886				
NOTIFICATION DATE		DELIVERY MODE		
07/18/2008		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTO@WOLFBLOCK.COM

# Office Action Summary

## Application No.

10/597,040

## Applicant(s)

LAOR ET AL.

## Examiner

Hoa Q. Pham

## Art Unit

2886

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/02)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Drawings***

2. Drawings filed on 7/7/06 have been approved.

### ***Specification***

3. Applicant is noted that the abstract filed in WO 2005/065022 A2 will be used for this application.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Braun et al (4,979,556).

Regarding claims 1, 4-5 and 14, Braun et al discloses a device for measuring characteristics of toolings (10), said device comprising: a radiation source (18) adapted to generate radiation so as to pass through a profile in the toolings; detector (21) adapted to receive said radiation that passed through the profile; whereby the

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characteristics of toolings are processed from the detected radiation that passes through the profile (figure 2; column 4, lines 6-51). Braun et al does not explicitly teach the use of a diverting means for diverting light beam that passed though the profile; however, Braun et al teaches that the light beam is wider than the maximum gap between the rolls (column 4, lines 23-37). It would have been obvious to one having ordinary skill in the art at the time the invention was made to include in Braun et al a diverting means (i.e., beam expander or lenses or prism) for the purpose of expanding the light beam so that the light beam is always wider than the gap. Thus, an accuracy of the measurement is obtained.

Regarding claims 2 and 16, see column 3, lines 37 for the pair of rolls and the characteristics are the profiles of a gap between the rolls. It would be obvious to one having ordinary skill in the art to use the basic device of Braun et al for measuring the gap between a chuck and a roll because the device would function in the same manner.

Regarding claims 3 and 15, see column 4, line 8 for using a laser source (18).

Regarding claims 6-8 and 17, see figure 2 for prisms 19 and 20.

Regarding claim 9, figure 2 shows that the detector (21) and light source (18) are positioned side by side and first prism (19) and the second prism (20) are positioned in a predetermined distance and opposite to one another so as to form a bypass of the radiation.

Regarding claim 10, see column 6, lines 34-39 for the use of cylindrical lens or the like for broader the light beam that hit the detector.

Regarding claim 11, see column 6, lines 32-33 for the use of a CCD.

Regarding claims 12-13, see column 1, lines 5-10 for controlling the gap (i.e., distance) between the rolls.

6. Claims 1-6, and 11-17 are rejected under 35 U.S.C.103(a) as being unpatentable over Tamler et al (4,821,544).

Regarding claims 1, 4-6, 14 and 17, Tamler et al discloses a device for measuring characteristics of toolings (13,14), said device comprising: a radiation source (18, 15, 19) adapted to generate radiation so as to pass through a profile in the toolings; detector (22) adapted to receive said radiation that passed through the profile; whereby the characteristics of toolings are processed from the detected radiation that passes through the profile (figures 1, 3, 4). Figures 3-5 show that light from the light source is diverting and column 2, lines 19-20 discloses the use of a line optical system (20). Tamler et al and does not explicitly mention that the "line optical system" is a "diverting means" for diverting light beam that passed though the profile. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to replace the line optical system (20) of Tamler et al by a diverting means such as beam expander or lenses for the purpose of expanding the light beam so that the light beam is always wider than the gap. Thus, an accuracy of the measurement is obtained.

Regarding claims 2 and 16, see figure 3 for the pair of rolls (13,14) and the characteristics are the profiles of a gap between the rolls. It would be obvious to one having ordinary skill in the art to use the basic device of Tamler et al for measuring the gap between a chuck and a roll because the device would function in the same manner.

Regarding claims 3 and 15, see column 2, line 17 for using a laser source (19).

Regarding claim 11, see column 2, lines 21-22 for the use of a CCD camera.

Regarding claims 12-13, see abstract for controlling the gap (i.e., height, thickness) between the rolls.

7. Claims 7-10 are rejected under 35 U.S.C.103(a) as being unpatentable over Tamler et al in view of Braun et al.

Regarding claims 7-9, Tamler et al does not explicitly include a first prism and second prism are positioned in a predetermined distance and opposite to one another so as to form a bypass of the radiation. However, such a feature is known in the art as taught by Braun et al. Figure 2 of Braun et al shows that the detector (21) and light source (18) are positioned side by side and first prism (19) and the second prism (20) are positioned in a predetermined distance and opposite to one another so as to form a bypass of the radiation. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include in Tamler et al a pair of prisms as taught by Braun et al for the purpose of directing light to the rolls and from the rollers to the detector.

Regarding claim 10, Braun et al, column 6, lines 34-39, teaches that cylindrical lens or the like can be used for broader the light beam that hit the detector. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include in Tamler et al a magnifying lens so that light hits the detector is magnified and a better image generated by the detector.

**Conclusion**

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Following references relate to gap measuring device: Liesch et al (4,548,503), Stauffer (4,021,119), Kosuge et al (US 2006/0078353 A1) and Holmes et al (5,206,703).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoa Q. Pham whose telephone number is (571) 272-2426. The examiner can normally be reached on Monday through Friday, 8:00AM TO 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tarifur Chowdhury can be reached on (571) 272-2287. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hoa Q. Pham/  
Primary Examiner, Art Unit 2886

HP  
July 15, 2008